



FEDERAL ELECTION COMMISSION
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2013 JUL 18 PM 3:42

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MEMORANDUM

TO: The Commission

FROM: Daniel A. Petalas
Associate General Counsel for Enforcement

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Assistant General Counsel

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SUBJECT: MUR 6621 (American Hotel & Lodging Association)
Pre-Probable Cause Conciliation

At the Executive Session held on July 9, 2013, the Commission voted to find reason to believe that American Hotel & Lodging Association ("AHLA") and American Hotel & Lodging Association Political Action Committee and Joori Jeon in her official capacity as treasurer ("HotelPAC") violated 2 U.S.C. § 441b(b)(3)(B), (C) and 11 C.F.R. § 114.5(a)(3), (4) with respect to HotelPAC's 2011 fundraiser. In addition, the Commission approved the Factual and Legal Analyses recommended in the First General Counsel's Report, with edits circulated by Commissioner Petersen's Office, and instructed the Office of General Counsel to circulate an appropriate agreement on a 48-hour tally vote. See Certification, MUR (6621) (July 9, 2013).

As a preliminary matter, the Commission approved Factual and Legal Analysis for AHLA and HotelPAC indicates that the Commission is finding reason to believe as to two separate allegations: (i) that the Respondents violated 2 U.S.C. § 441b(b)(4)(A)(i) and 11 C.F.R. § 114.5(g)(1) by soliciting contributions outside the restricted class with respect to HotelPAC's 2011 fundraiser; and (ii) that the Respondents violated 2 U.S.C. § 441b(b)(3)(B), (C) and 11 C.F.R. § 114.5(a)(3), (4) by failing to inform Broadmoor Golf Club members of the political purpose of HotelPAC and their right to refuse to contribute without reprisal with respect to the same fundraiser. The certification, however, only includes a reason to believe finding that the Respondents violated 2 U.S.C. § 441b(b)(3)(B), (C) and 11 C.F.R. § 114.5(a)(3), (4). Consequently, so that the Commission's vote will correctly reflect the Commission's intended findings as described in the Factual and Legal Analysis for AHLA and HotelPAC, in this memorandum we recommend that the Commission

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vote to find reason to believe that AHLA and HotelPAC violated 2 U.S.C. § 441b(b)(4)(A)(i) and 11 C.F.R. § 114.5(g)(1) by soliciting contributions outside the restricted class with respect to HotelPAC's 2011 fundraiser.

RECOMMENDATIONS:

1. Find reason to believe that American Hotel & Lodging Association and American Hotel & Lodging Association Political Action Committee and Joori Jeon in her official capacity as treasurer violated 2 U.S.C. § 441b(b)(4)(A)(i) and 11 C.F.R.

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§ 114.5(g)(1) by soliciting contributions outside the restricted class with respect to HotelPAC's 2011 fundraiser.

2. Enter into conciliation with American Hotel & Lodging Association and American Hotel & Lodging Association Political Action Committee and Joori Jeon in her official capacity as treasurer prior to a finding of probable cause and approve the attached conciliation agreement.

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